

R E M A R K S

Claims **1-12** and **14-29** were pending in the present application.

Claims **1-12** and **14-29** will be pending upon entry of the present amendment.

Claims **1, 16** and **21** will have been amended herein.

Claims **1, 6, 12, 16, 18, 21** and **25** are independent.

A. EXAMINER INTERVIEW

Initially, the Applicant wishes to thank Examiner Johnson for taking the time to discuss the pending application with Anthony Josephson, Reg. No. 45,742, on July 28, 2006 and August 2, 2006. On July 28, 2006, the Examiner and the Applicant's representative discussed which claims were allowed. On August 2, 2006, the rejected claims along with the cited references were discussed. In addition, the claim amendments noted above were discussed. During the August 2, 2006 Examiner interview, the Examiner agreed that the claim amendments include subject matter which is allowable over the references cited in the outstanding Office Action. No other issues were discussed.

B. ALLOWABLE CLAIMS

The Applicant appreciates the Examiner's indication that Claims **6-12, 14, 15, 18-20, and 25-29** are allowed.

C. SECTION 102 REJECTIONS

Claims 1 and 2 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0173833 to *Korman et al.* (hereinafter "*Korman*").

Korman does not disclose the subject matter recited in amended claim 1. More specifically, claim 1 has been amended to recite a therapy device comprising, among other features, "a

targeting mechanism configured to allow positioning of the light energy on the target area." Support for this amendment may be found at least on page 7, lines 23-26 of the originally filed specification. During the Examiner interview, Examiner Johnson kindly pointed out that *Korman* does not disclose this feature. As such, the Applicant submits that claim 1, along with claim 2 which depends therefrom, is patentable over the cited reference and respectfully requests that the rejection be withdrawn.

D. SECTION 103 REJECTIONS

Claims 3-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Korman* in view of U.S. Patent No. 5,582,574 to *Cramer* (hereinafter "*Cramer*").

Claims 3-5 are patentable over *Korman* in view of *Cramer*. More specifically, as discussed above, *Korman* fails to disclose each and every element recited in claim 1, the base claim from which claims 3-5 depend. Furthermore, as acknowledged by Examiner Johnson during the Examiner interview, *Cramer* also fails to disclose the feature of "a targeting mechanism configured to allow positioning of the light energy on the target area." Similarly, the Applicant respectfully submits that neither *Korman* nor *Cramer*, either singularly or in combination, suggest this feature. Accordingly, claims 3-5 are patentable over the cited references and the Applicant respectfully requests that the rejection be withdrawn.

Claims 16, 17, and 21-24 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Korman* in view of *Cramer*.

As amended, claim 16 is patentable over the cited references. To further illustrate, claim 16 has been amended to recite a method for light and hyperbaric therapy comprising, among other features, a targeting mechanism which allows for the

"positioning of the at least one selected wavelength and dosage of laser light therapy on the target area." As detailed above, neither *Korman* nor *Cramer*, either singularly or in combination, disclose or suggest this feature. Therefore, claim 16 is patentable over the cited references and the Applicant respectfully requests that the rejection be withdrawn. Likewise, claim 17, which depends from claim 18, is patentable over the cited references for at least the same reasons.

Amended claim 21 is also patentable over *Korman* in view of *Cramer*. In particular, claim 21 has been amended to recite a light and hyperbaric therapy device comprising, among other features, a targeting mechanism "wherein the targeting mechanism allows positioning of the light beams on the target area." As explained above, none of the cited references, either singularly or in combination, disclose or suggest this feature. Therefore, claim 21, along with claims 22-24 which depend therefrom, is patentable over the cited reference and the Applicant requests that the rejection be withdrawn.

E. CONCLUSION

The Applicant believes all of the claims are in condition for allowance, and respectfully requests reconsideration and allowance of the same.

The Applicant does not believe any fees are due. If any fees are required, however, please charge Deposit Account No. 04-1696. The Applicant does not believe a petition for extension of time is required. However, if such a petition is required, Applicant respectfully requests that this sentence be regarded as such a petition and that the Commissioner charge Deposit Account No. 04-1696 the requisite petition fee.

The Applicant encourages the Examiner to telephone the Applicants' attorney should any issues remain.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven M. Santisi". The signature is fluid and cursive, with the first name "Steven" and last name "Santisi" clearly legible.

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